



Criminal Justice Act 1988

1988 CHAPTER 33

PART XI

MISCELLANEOUS

Articles with blades or points and offensive weapons

139 Offence of having article with blade or point in public place. E+W

- (1) Subject to subsections (4) and (5) below, any person who has an article to which this section applies with him in a public place shall be guilty of an offence.
- (2) Subject to subsection (3) below, this section applies to any article which has a blade or is sharply pointed except a folding pocketknife.
- (3) This section applies to a folding pocketknife if the cutting edge of its blade exceeds 3 inches.
- (4) It shall be a defence for a person charged with an offence under this section to prove that he had good reason or lawful authority for having the article with him in a public place.
- (5) Without prejudice to the generality of subsection (4) above, it shall be a defence for a person charged with an offence under this section to prove that he had the article with him—
 - (a) for use at work;
 - (b) for religious reasons; or
 - (c) as part of any national costume.
- (6) A person guilty of an offence under subsection (1) above shall be liable—
 - ^{F1}(a) on summary conviction, to imprisonment for a term not exceeding six months, or a fine not exceeding the statutory maximum, or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding [^{F2}four] years, or a fine, or both.]

Status: Point in time view as at 17/07/2015. There are multiple versions of this provision on screen.

These apply to different geographical extents. This version of this provision has been superseded.

Changes to legislation: Criminal Justice Act 1988, Section 139 is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

[^{F3}(6A) Subsection (6B) applies where—

- (a) a person is convicted of an offence under subsection (1) by a court in England and Wales,
- (b) the offence was committed after this subsection is commenced, and
- (c) when the offence was committed, the person was aged 16 or over and had at least one relevant conviction (see section 139AZA).

(6B) Where this subsection applies, the court must impose an appropriate custodial sentence (with or without a fine) unless the court is of the opinion that there are particular circumstances which—

- (a) relate to the offence, to the previous offence or to the offender, and
- (b) would make it unjust to do so in all the circumstances.

(6C) In this section “appropriate custodial sentence” means—

- (a) in the case of a person who is aged 18 or over when convicted, a sentence of imprisonment for a term of at least 6 months;
- (b) in the case of a person who is aged at least 16 but under 18 when convicted, a detention and training order of at least 4 months.

(6D) In considering whether it is of the opinion mentioned in subsection (6B) in the case of a person aged 16 or 17, the court must have regard to its duty under section 44 of the Children and Young Persons Act 1933 (general considerations).

(6E) Where—

- (a) an appropriate custodial sentence has been imposed on a person under subsection (6B), and
- (b) a relevant conviction without which subsection (6B) would not have applied has been subsequently set aside on appeal,

notice of appeal against the sentence may be given at any time within 28 days from the date on which the conviction was set aside (despite anything in section 18 of the Criminal Appeal Act 1968 (initiating procedure)).

(6F) Where an offence is found to have been committed over a period of two or more days, or at some time during a period of two or more days, it shall be taken for the purposes of this section to have been committed on the last of those days.

(6G) In relation to times before the coming into force of paragraph 180 of Schedule 7 to the Criminal Justice and Court Services Act 2000, the reference in subsection (6C)(a) to a sentence of imprisonment, in relation to an offender aged under 21 at the time of conviction, is to be read as a reference to a sentence of detention in a young offender institution.]

(7) In this section “public place” includes any place to which at the material time the public have or are permitted access, whether on payment or otherwise.

(8) This section shall not have effect in relation to anything done before it comes into force.

Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Northern Ireland only

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Textual Amendments

- F1** S. 139(6)(a)(b) substituted (4.7.1996) for words by 1996 c. 26, s.3(1) (with s. 3(2))
- F2** Word in s.139(6)(b) substituted (E.W.) (12.2.2007) by Violent Crime Reduction Act 2006 (c.38), ss. 42(1)(a), 66(2); S.I. 2007/74, art. 2(a)
- F3** S. 139(6A)-(6G) inserted (17.7.2015) by Criminal Justice and Courts Act 2015 (c. 2), ss. 28(5), 95(1); S.I. 2015/1463, art. 2(a)

139 Offence of having article with blade or point in public place. **N.I.**

- (1) Subject to subsections (4) and (5) below, any person who has an article to which this section applies with him in a public place shall be guilty of an offence.
 - (2) Subject to subsection (3) below, this section applies to any article which has a blade or is sharply pointed except a folding pocketknife.
 - (3) This section applies to a folding pocketknife if the cutting edge of its blade exceeds 3 inches.
 - (4) It shall be a defence for a person charged with an offence under this section to prove that he had good reason or lawful authority for having the article with him in a public place.
 - (5) Without prejudice to the generality of subsection (4) above, it shall be a defence for a person charged with an offence under this section to prove that he had the article with him—
 - (a) for use at work;
 - (b) for religious reasons; or
 - (c) as part of any national costume.
- [^{F4}(6) A person guilty of an offence under subsection (1) shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 4 years, or to a fine, or to both.]

[^{F3}(6A) Subsection (6B) applies where—

 - (a) a person is convicted of an offence under subsection (1) by a court in England and Wales,
 - (b) the offence was committed after this subsection is commenced, and
 - (c) when the offence was committed, the person was aged 16 or over and had at least one relevant conviction (see section 139AZA).

(6B) Where this subsection applies, the court must impose an appropriate custodial sentence (with or without a fine) unless the court is of the opinion that there are particular circumstances which—

 - (a) relate to the offence, to the previous offence or to the offender, and
 - (b) would make it unjust to do so in all the circumstances.

(6C) In this section “ appropriate custodial sentence ” means—

 - (a) in the case of a person who is aged 18 or over when convicted, a sentence of imprisonment for a term of at least 6 months;

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- (b) in the case of a person who is aged at least 16 but under 18 when convicted, a detention and training order of at least 4 months.
- (6D) In considering whether it is of the opinion mentioned in subsection (6B) in the case of a person aged 16 or 17, the court must have regard to its duty under section 44 of the Children and Young Persons Act 1933 (general considerations).
- (6E) Where—
- (a) an appropriate custodial sentence has been imposed on a person under subsection (6B), and
 - (b) a relevant conviction without which subsection (6B) would not have applied has been subsequently set aside on appeal,
- notice of appeal against the sentence may be given at any time within 28 days from the date on which the conviction was set aside (despite anything in section 18 of the Criminal Appeal Act 1968 (initiating procedure)).
- (6F) Where an offence is found to have been committed over a period of two or more days, or at some time during a period of two or more days, it shall be taken for the purposes of this section to have been committed on the last of those days.
- (6G) In relation to times before the coming into force of paragraph 180 of Schedule 7 to the Criminal Justice and Court Services Act 2000, the reference in subsection (6C)(a) to a sentence of imprisonment, in relation to an offender aged under 21 at the time of conviction, is to be read as a reference to a sentence of detention in a young offender institution.]
- (7) In this section “public place” includes any place to which at the material time the public have or are permitted access, whether on payment or otherwise.
- (8) This section shall not have effect in relation to anything done before it comes into force.

Extent Information

- E2** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales only

Textual Amendments

- F3** S. 139(6A)-(6G) inserted (17.7.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), **ss. 28(5)**, 95(1); [S.I. 2015/1463](#), **art. 2(a)**
- F4** S. 139(6) substituted (N.I.) (16.7.2008) by [The Criminal Justice \(Northern Ireland\) Order S.I. 2008/1216 \(N.I. 1\)](#), **arts. 1, 90(3)**; [S.R. 2008/293](#), **art. 2**, **Sch. para. 14**.

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